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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/077,545	02/15/2002	Yoshiaki Hayashi	450100-4454.1	3821

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FROMMER LAWRENCE & HAUG  
745 FIFTH AVENUE- 10TH FL.  
NEW YORK, NY 10151

EXAMINER
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CHEVALIER, ROBERT

ART UNIT	PAPER NUMBER
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2621

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/077,545

Applicant(s)

HAYASHI, YOSHIAKI

Examiner

Bob Chevalier

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 15 February 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-5, 19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5, 19 and 20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 February 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4, and 19-20, are rejected under 35 U.S.C. 103(a) as being unpatentable over Sata et al in view of Official Notice.

Sata et al discloses a video recording/reproducing apparatus that shows all the limitations recited in claims 1, and 19, including the feature of the first recording and/or reproducing means which records and/or reproduces the digital information on a nonlinear-access recording medium (See Sata et al's Figure 4, component 4), the feature of the second recording and/or reproducing means which records and/or reproduces the information on a tape recording medium having a recording greater than or equal to the recording capacity of the nonlinear-access recording medium (See Sata et al's Figure 4, component 8), and the feature of the control means controlling the first and second recording/reproducing means such that the information recorded on the nonlinear-access recording medium is recorded onto the tape recording medium as specified in the present claims 1, and 19. (See the capability of recording the digital information reproduced from the recording medium 4 onto the VTR 8 as shown in Sata et al's Figure 4).

Although Sata et al discloses the capability of recording on a tape recording medium the information reproduced from the nonlinear-access recording medium (Sata

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et al's Figure 4, component 8), Sata et al fails to specifically disclose that the information recorded on the tape recording medium is digital information as recited in claims 1, and 19.

Examiner takes Official Notice in that it is notoriously well known in the video recording/reproducing art to have a tape recording means arranged in a manner to record digital information on the tape recording medium as specified in the present claims 1, and 19.

It would have been obvious to one skilled in the art to modify the Sata et al's apparatus wherein the tape recording/reproducing means provided thereof (See Sata et al's Figure 4, component 8) would incorporate the capability of digitally recording the information signals on the tape recording medium in the same conventional manner as is well known in the prior art. Examiner has taken Official Notice. The motivation is to increase the quality of the recorded signal on the recording medium as suggested in the prior art.

With regard to claims 2, and 20, the feature of controlling the first and second recording/reproducing means to reproduce the digital information corresponding to the digital information of unsuccessful reproduction from the tape recording medium and record the reproduced digital information onto the nonlinear-access recording medium as specified thereof would be inherently present in the cited reference of Sata et al. Because, Sata et al includes the capability of reproduce the recorded signal from any portion of the tape recording medium 8 and at any desired time and record the same reproduced information on the recording medium 4. (See Sata et al's Figure 4).

With regard to claim 3, the feature of the tape recording medium having a first recording area with a recording capacity as large as the recording capacity for the digital information on the nonlinear-access recording medium and the control means controlling to record in the first recording area of the tape recording medium the same digital information recorded on the nonlinear-access recording medium as specified thereof is present in Sata et al. (See the capability of recording data reproduced from the recording medium 4 onto the tape recording medium 8 as shown in Sata et al's reference).

With regard to claim 4, the feature of the plurality of input ports and output ports and the digital information being introduced by the input ports being recorded onto the nonlinear-access recording medium, the digital information reproduced from the nonlinear-access recording medium being released by the output ports under the control of the controller as specified thereof is present in Sata et al. (See Sata et al's Figure 4).

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Sata et al and Official Notice as applied to claim 1 above, and further in view of Official Notice.

The proposed combination of Sata et al and Official Notice indicated above does disclose a video recording/reproducing apparatus that shows substantially the same

limitations recited in claim 5, including the feature of recording and reproducing digital information on/from a tape recording medium as specified in the present claim 5.

The proposed combination fails to specifically disclose the feature of the plurality of bins for stacking tape recording mediums and recording/reproducing devices and the capability of recording/reproducing the digital information on the tape recording medium, unload the tape after performing the recording operation and stack the tape on the bin as specified in the present claim 5.

Examiner takes Official Notice in that it is notoriously well known in the video recording/reproducing art to have a recording means including a plurality of tape recording mediums loaded in a plurality of bins and the capability of supplying said tape recording medium to a recording/reproducing means for the purpose of performing recording and reproducing operation on the plurality of tape mediums as specified in the present claim 5.

It would have been obvious to one skilled in the art to modify the proposed combination of Sata et al and Official Notice indicated above wherein the tape recording means provided thereof (See Sata et al's Figure 4, component 8) would incorporate the capability of the plurality of bins for stacking tape recording mediums and recording/reproducing devices and the capability of recording/reproducing the digital information on the tape recording medium, unload the tape after performing the recording operation and stack the tape on the bin in the same conventional manner as is well known in the video recording/reproducing art. Examiner has taken Official Notice. The motivation is to increase the recording density as is suggested in the prior art.


***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bob Chevalier whose telephone number is 571-272-7374. The examiner can normally be reached on MM-F (9:00-6:30), second Monday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

B. Chevalier  
June 8, 2006.

  
ROBERT CHEVALIER  
PRIMARY EXAMINER